

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

SERON SMITH,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:20-cv-810-ACA-GMB
)	
CAPT. CALDWELL, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

On February 9, 2022, the magistrate judge entered a report recommending that the court (1) deny Plaintiff Seron Smith's motion for evidentiary hearing; (2) grant Defendant Shannon Caldwell's motion for summary judgment as to all of Mr. Smith's claims against him; (3) grant Defendants Mohammed Jenkins, Trenton Matthews, and Shaun Mechalske's motion for summary judgment as to all of Mr. Smith's claims against them in their official capacities, as well as Mr. Smith's request for their termination of employment; (4) deny Mr. Jenkins' motion for summary judgment as to Mr. Smith's claims against him for excessive force on January 2 and 16, 2020; (5) deny Mr. Matthews and Mr. Mechalske's motion for summary judgment as to Mr. Smith's claims against them for excessive force on May 26, 2020; (6) grant Mr. Matthews' motion for summary judgment as to Mr. Smith's claim against him for sexual assault; and (7) deny Mr. Jenkins' motion

for summary judgment on Mr. Smith's claims for retaliation against him as to the January 2 and 16, 2020 incidents but grant the motion as to Mr. Smith's remaining allegations. (Doc. 40). The magistrate judge notified the parties of their right to object and warned them that failure to object waives the right to challenge on appeal any unobjected-to factual and legal conclusions. (Doc. 40 at 31–32). The deadline for objections has passed without receipt of any objections.

The parties' failure to file specific objections waives any challenge to the proposed findings and recommendations. *See* 28 U.S.C. § 636(b)(1); 11th Cir. 3-1. The court therefore **ADOPTS** the magistrate judge's report and **ACCEPTS** the recommendations. The court **DENIES** Mr. Smith's motion for an evidentiary hearing. The court **GRANTS IN PART** and **DENIES IN PART** Defendants' motion for summary judgment. The court **WILL ENTER SUMMARY JUDGMENT** in Mr. Caldwell's favor and against Mr. Smith. The court **WILL ENTER SUMMARY JUDGMENT** in favor of Mr. Jenkins, Mr. Matthews, and Mr. Mechalske and against Mr. Smith on all official capacity claims asserted against them and with respect to Mr. Smith's request for termination of their employment. The court **WILL ENTER SUMMARY JUDGMENT** in Mr. Matthews' favor and against Mr. Smith as to Mr. Smith's claim of sexual assault. The court **WILL ENTER SUMMARY JUDGMENT** in favor of Mr. Jenkins and against Mr. Smith

on the claim of retaliation with respect to Mr. Smith's cell reassignment and the assaults by inmates Jack Jones and Edward Knight.

The court **REFERS** this case to the magistrate judge for further proceedings on the remaining claims identified above.

The court will enter a separate partial judgment consistent with this opinion and order.

DONE and **ORDERED** this March 7, 2022.

A handwritten signature in black ink, appearing to read 'Annemarie', is written above a horizontal line.

ANNEMARIE CARNEY AXON
UNITED STATES DISTRICT JUDGE